

### REMARKS

Claims 35-41 and 44-49 are amended herein. Consideration of this application as amended is requested. No new matter has been added.

Applicants would like to inform the Examiner that the amended claims in this Preliminary Amendment for the above-referenced reissue application were copied from U.S. Patent No. 6, 091, 249 entitled "Method and Apparatus for Detecting Defects in Wafers" by Talbot et al., which patent issued on July 18, 2000. A copy of this patent is enclosed.

Respectfully submitted,  
DAN MEISBURGER, et al.

By: 

Trinidad Arriola-Kern, Esq.  
Registration No. 44,012  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Phone: (650) 858-7666  
Fax: (650) 494-1417